



**DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000**

5720
PERS 00J6/20200375
April 22, 2020

Ms. Sarah Parker Yesko
American Public Media
480 Cedar Street
St. Paul, MN 55101

Dear Ms. Yesko:

SUBJECT: YOUR FREEDOM OF INFORMATION ACT (FOIA) REQUEST

This is in response to your Freedom of Information Act (FOIA) request of April 18, 2020. You seek a copy of OMPF, ESR, PSR, OSR and ODC information pertaining to fourteen current or former Sailors. This command received your request on April 21, 2020. Your original FOIA request number is 2020-006850 and FOIA correspondence file number is 20200375.

Eleven of the fourteen applicable individuals are either current or former U.S. Navy SEALs. Naval Special Warfare Command (NSW) responds to requesters regarding requests for U.S. Navy SEAL records. As such, your original request 2020-006850 has been assigned in FOIA Online to NSW. A new FOIA request has been created in FOIA Online so that this command may respond regarding the current or former Sailors who are not Navy SEALs. This new FOIA Online request number is 2020-007005. The three records pertain to Melson Bacos, Eric Gilmet, and Brian Witt.

A releasable copy of OMPF documentation for the three current or former Sailors is enclosed. A releasable copy of PSR documentation pertaining to Eric Gilmet is enclosed. We were unable to locate ESR, OSR or ODC information pertaining to Eric Gilmet. We were unable to locate ESR, PSR, OSR, or ODC information for Melson Bacos and Brian Witt who are former Sailors. Some excised portions of provided documentation are exempt from disclosure under FOIA exemption 6 [5 U.S.C. § 552(b)(6)]. Release of such information would constitute a clearly unwarranted invasion of the privacy of the applicable current or former Sailors and other identified individuals.

In addition to exemption 6, some information is also exempt from disclosure under FOIA exemption 3 [5 U.S.C. § 552(b)(3)] in conjunction with 10 U.S.C. 130b. Release of information pertaining to a Sailor assigned to a sensitive, overseas, or deployable unit would constitute a clearly unwarranted invasion of the personal privacy of the applicable Sailor.

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Because your request, as it pertains to the three non-SEAL Sailors is partially denied by this command, you are advised of your right to appeal this determination in writing to the Office of the Judge Advocate General, OJAG Code 14, 1322 Patterson Avenue SE Suite 3000, Washington Navy Yard, DC 20374-5066.

If an appeal is deemed necessary, OJAG Code 14 must receive your appeal in their office within 90 calendar days from the date of this letter, in order to be considered. You should enclose a copy of this letter, a copy of the original request, and a statement regarding why your appeal should be granted. The letter of appeal and the envelope should bear the notation, "FOIA APPEAL."

I am the official responsible for the partial denial of your request. Should you wish to discuss the processing of your request, you may contact the undersigned at david.german@navy.mil or (901) 874-3165. You may also contact the DON FOIA Public Liaison, Christopher Julka, at Christopher.a.julka@navy.mil or (703) 697-0031. Outside the Department of Defense, you may contact the Office of Government Information Services (OGIS) as they provide a voluntary mediation process for resolving disputes between persons making FOIA requests and the Department of the Navy (DON). For more information, please go to: <https://www.archives.gov/ogis/about-ogis/contact-information>.

Sincerely,

David P. German

D. P. GERMAN
FOIA/PA Officer